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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,602	08/28/2002	Tsunchisa Marumoto	Q69350	3023
23373	7590	10/03/2003	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037			LAUTURE, JOSEPH J	
			ART UNIT	PAPER NUMBER
			2819	

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/089,602	MARUMOTO, TSUNEHISA
	Examiner Joseph Lauture	Art Unit 2819

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 28 August 2002.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-107 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-107 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 28 August 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Specification*

The application has not been checked to the extent necessary to determine the presence of all possible typographical and grammatical errors. Applicant's cooperation is requested in correcting any errors of which he/she may become aware in the application.

The Information Disclosure Statements filed 10/08/02 have been considered.

### *Drawing Objections*

Figures 1,2,3A,3B,3C should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-107 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 9, it is unclear what is meant by "fixed to one of the first and second...". Clarification is required.

In claim 1, line 16, it is unclear how a voltage value is kept together with an insulating section. Clarification is required.

In claim 4, lines 9-10, it is unclear what is meant by "the other of the high impedance line and opened at the other thereof..." Clarification is required.

In claim 5, lines 9-10, it is unclear what is meant by "one of electrodes connected" and "the other of electrodes connected". Clarification is required.

In claim 10, line 2, it is unclear what is meant by "a fourth control signal line" since there is no mention of a second or third control signal line in this claim and the independent claim on which it is based.

In claim 11, line 4, it is unclear what is meant by "applying of constant voltage". Clarification is required.

In claim 11, lines 8-9, it is unclear how a voltage value is kept together with an insulating section. Clarification is required.

In claims 12 and 13 lines 2, it is confusing what is meant by "a second high frequency signal blocking unit" since there was no mention of a first high frequency signal blocking unit.

In claim 15, lines 9-10, it is unclear what is meant by "one of electrodes" and "the other of electrodes". Clarification is required.

In claim 20, lines 7-8, it is unclear what is meant by "one of electrodes" and "the other of electrodes". Clarification is required.

In claim 21, lines 17-18, it is unclear how a voltage value is kept together with an insulating section. Clarification is required.

In claim 27, lines 9-10, it is confusing what is meant by "a second high frequency signal blocking unit" since there was no mention of a first high frequency signal blocking unit.

In claims 32 and 33, lines 2, it is unclear what is meant by "a fourth control signal line" since there is no mention of a second or third control signal line in this claim and the independent claim on which it is based.

In claim 35, line 2, it is confusing what is meant by "a second high frequency signal blocking unit" since there was no mention of a first high frequency signal blocking unit.

In claims 37,49, 59,70,80,91 AND 101, lines 9-10, and claims 42,64,85 AND 106, lines 7-8, it is unclear what is meant by "one of electrodes" and "the other of electrodes". Clarification is required.

In claim 43, lines 17-18, it is unclear how a voltage value is kept together with an insulating section. Clarification is required.

In claims 54 and 55, lines 2, it is unclear what is meant by "a fourth control signal line" since there is no mention of a second or third control signal line in this claim and the independent claim on which it is based.

In claims 55,76 and 97 lines 8-10, it is unclear how a voltage value is kept together with an insulating section. Clarification is required.

In claim 65 and 86, lines 7-8, it is unclear what is meant by "one ends of the cantilevers". Clarification is required.

In claim 65, lines 22-23, it is unclear how a voltage value is kept together with an insulating section. Clarification is required.

In claim 65, lines 24-25, it is confusing what is meant by "the second and third control signal lines constituting a first control signal line.

Claims 2,3,6-9,14,16-19,22-26,28-31,36,38-41,44-48,50-53,56-58,60-63,66-69,71-75,77-79,81-84,87-90,92-96,98-100 and 102-105 are rejected because they depend on independent claims which have been rejected under U.S.C 112 2<sup>nd</sup> paragraph.

The claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claims 1-107 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Reasons For Indicating Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter: the prior arts of record fail to teach a phase shifter and a method of manufacturing such, for switching passing phase of a high frequency signal by means of ON/OFF control of a micromachine switch, the micromachine switch comprising: first and second distributed constant lines arranged on a substrate and spaced from each other; a first control signal line connected electrically to the first or second distributed constant line for application of a first control signal made of a binary change in voltage; a cantilever, one end of which is attached to one of the first and second distributed constant lines, and the other end of which is formed to be capable of coming toward and away from the other of the first and second distributed constant lines, the cantilever an electrically conductive member; a first insulating section formed in a region where the other of the first and second distributed constant lines faces the cantilever; and, a second insulating section that insulates a value of the first control signal.

#### CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Lauture, whose telephone number is (703) 308-6362. The examiner can normally be reached Monday to Friday between 9:30 am and 6:00 PM

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Tokar can be reached at (703) 305-3493. The fax number for the organization to which this application is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-0956.

Joseph Lauture  
Art Unit: 2819  
Date: 09/12/2003



Brian Young  
Primary Examiner